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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,080	12/30/2003	Philip M. Ramirez	P00920-US-01 (06579.0389)	7637
22446	7590	07/25/2007	EXAMINER	
ICE MILLER LLP			VY, HUNG T	
ONE AMERICAN SQUARE, SUITE 3100			ART UNIT	
INDIANAPOLIS, IN 46282-0200			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/748,080

Applicant(s)

RAMIREZ, PHILIP M.

Examiner

Hung T. Vy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-11 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, and 13-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. In the response to the Applicant's amendment and the RCE filed on 05/17/2007, claims 1-4, 6-11, and 13-21 are pending in this application as result of the cancellation of claims 5 and 12. Upon reconsideration, the office action of claims 1-21 mailed on 02/20/2007 is being withdrawn. However, upon further consideration, a new ground of rejection is made in view of Mendez et al.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Further claim 1 direct to a system comprising a computer readable medium. A computer readable medium as electronic, magnetic as defined in the Applicant's arguments in page 8, first paragraph. A signal encodes with functional descriptive material does not fall within nay of the categories of patentable subject matter. Therefore, claim 1 is not statutory (As set forth in 101, a claimed signal is clearly not a process under U.S.C. 101 because it is not a series of step. A claimed signal has no physical structure, does not itself perform any useful, concrete and tangible result, and does not fit within the definition of a machine).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

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351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-11, and 13-21 are rejected under 35 U. S. C. § 102 (e) as being anticipated by Mendez et al. (US Pub. 2004/0117310).

With respect to claim 1, Mendez et al. discloses a system for managing records, the system comprising:

a database (130)(i.e., *"at the server housing the database" (0006) or "The global server includes a datastore for storing server data" (0010)*)

a remote computer (120) including;

a memory (209 and 206), in which the record is stored (*see fig. 2 and (0052)*);

a processor (202); and

a record management system in communication with the memory (209 and 206) and the processor (202) and configured to, in response to an instruction from a user (i.e., *"Synchronization may occur periodically. It may occur upon detecting a change in a data value at the remote device, upon detecting a change in a data value at the server system, or upon instructions from a user" (0019) or "synchronization may be executed upon user instruction" (0043)*), instruct the processor to classify the record on the remote computer (i.e., *"data category, this category must be classified as synchronized data 520" (0068), (fig. 5)*), file the record in the database (i.e., *"the value of the copy of the same data at other locations must be updated to reflect the most recent change. A synchronization process may be used to synchronize the data, i.e., to update old values of data to become equal to the new values" (0042)*) and delete the record from the memory (i.e., *"the erasure*

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controller 610 transmits a set of erasure instruction to the remote device 120 and controls with data from the remote device data 121 will be delete according to instruction in the set procedures file 170 or 175" (0078)).

With respect to claims 2, 9 and 16, Mendez et al. discloses wherein the record management system is further configured to instruct the processor to classify the record by determining whether the record is open at the remote computer (i.e., *"an example of moving a category of data in and out the non-synchronized type 510 is keeping client information data, that are being entered into the remote device 120 by roaming user in the field" (0072) (examiner asserts that data are being enter into the remote device that means equivalent with the claimed invention "the record is open"))*).

With respect to claims 3, 10 and 17, Mendez et al. discloses wherein the record management system is further configured to instruct the processor to classify the record by determining whether the record has previously been classified (i.e., *when it is crucial that the roaming user has access to the most current value of a: data category, this category much classified as synchronized data 520" (0068) and Examiner asserts that "the user has access to the most current value data" that means equivalent with "the previously been classified").*

With respect to claims 4, 11 and 18, Mendez et al. discloses wherein the record management system is further configured to instruct the processor to classify the record by reclassifying record (i.e., *"this category must be classified as synchronized data 520 and must be update regularly with changed on the server system side 110" (0068) and examiner*

asserts that the category must be classified as synchronized 520 and with update regularly therefore, the data will be reclassified with regularly and synchronized).

With respect to claim 19, Medez et al. discloses wherein the means for classifying the record includes means for saving the recorded with an associated property in remote computer (*i.e., the synchronized remote device data values 520 may be updated during a synchronization event if the corresponding synchronized serve data 420” (0068)).*

With respect to claims 6, 13 and 20, Mendez et al. discloses wherein the record management system is further configured to instruct the processor to select a plurality of records (*i.e., “Example of synchronized data may include the kind of data regularly collected by roaming user that utilize a remote device” (0065) or “one or more data categories” (0061))* and classify the selected records (*Examiner asserts that based on the instruction from a user, the remote device (processor) will classify the data to different such as synchronized data , non-synchronized data or personally owned data (see fig. 5 or paragraph 0067-0069))*).

With respect to claims 7, 14 and 21, Mendez et al. discloses wherein the record management system is further configured to instruct the processor to display a property of the record (0055).

With respect to claims 8 and 14, Mendez et al. discloses a method for the management of electronic records, the method comprising the steps of;

classifying the record at a remote computer(*i.e., “data category, this category must be classified as synchronized data 520”(0068), (fig. 5))*), wherein the record is stored on the remote computer (*i.e., the synchronized remote device data values 520 may be*

updated during a synchronization event if the corresponding synchronized serve data 420" (0068));

filing the record at a separate central database (i.e., "at same time, any modification s in the synchronized remote device data 520 will result in corresponding changed in the synchronized server data 420 during a subsequent synchronization event" (0068)) after the classification of the record (i.e., "Those data categories that may be freely modified by the user of the remote device 120 usually fall under the synchronized type" (0068)); and

deleteting the record from the remote computer without user intervention upon the filing of the record at the central database (i.e., "the erasure controller 610 transmits a set of erasure instruction to the remote device 120 and controls with data from the remote device data 121 will be delete according to instruction in the set procedures file 170 or 175" (0078)).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Vy whose telephone number is (571) 272-1954. The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 308-7722 for After Final communications.

Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published

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application may be obtained from either private Pair or Public Pair. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Hung T. Vy', with a long horizontal line extending to the right.

Hung T. Vy
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July 18, 2007.